



Town of New Windsor

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OFFICE OF THE PLANNING BOARD

WEDNESDAY, JANUARY 23, 2002 – 7:30 PM

TENTATIVE AGENDA

CALL TO ORDER
ROLL CALL

APPROVAL OF MINUTES DATED

ANNUAL MOBILE HOME PARK REVIEW:

- a. SILVER STREAM MOBILE HOME PK (Rescheduled from 12/12/01 meeting)
(Clark)
- b. SARIS MOBILE HOME PARK – FROM COURT APPEARANCE

PUBLIC HEARING:

1. **BENEDICT POND ESTATES II SUBDIVISION (93-2) DEAN HILL ROAD
(MERCURIO, NORTON & TAROLLI) Proposed 7-lot residential subdivision.**

REGULAR ITEMS:

2. BLOOMING GROVE EQUIPMENT SITE PLAN (01-61) OAKWOOD TERRACE
(COPPOLA) Proposed construction of new 7,500 s.f. office building.
3. HIGHVIEW ESTATES SUBDIVISION (01-64) TOLEMAN ROAD (YANOSH)
Proposed 6-lot residential subdivision.
4. FOX MEADOW ESTATES SUBDIVISION (01-51) TOLEMAN ROAD (LANC &
TULLY) Proposed 34-lot residential subdivision.

DISCUSSION:

5. HANNAFORD FOOD & DRUG STORE (00-15) RT. 32 & RT. 94

ADJOURNMENT

(NEXT MEETING – FEBRUARY 13, 2002)

January 23, 2002

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TOWN OF NEW WINDSOR

PLANNING BOARD

JANUARY 23, 2002

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN
JIM BRESNAN
RON LANDER
JERRY ARGENIO
THOMAS KARNAVEZOS (ARRIVING LATE)

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
PLANNING BOARD ATTORNEY

MYRA MASON
PLANNING BOARD SECRETARY

MR. PETRO: I'd like to call to order the Town of New Windsor Planning Board meeting of January 23, 2002. Please stand for the Pledge of Allegiance

(Whereupon, the Pledge of Allegiance was recited.)

ANNUAL MOBILE HOME PARK REVIEW:

SILVER STREAM MOBILE HOME PARK

MR. PETRO: This is rescheduled from the 12/12 meeting. Is someone here to represent this? Would you come forward, state your name?

Mr. Gary Gaetano appeared before the board for this review.

MR. PETRO: Mike, someone from your department been to the site, do you have any comments?

MR. BABCOCK: Yes, we have everything, is fine there.

MR. PETRO: Do you have a check for \$685 made out to the Town of New Windsor?

MR. GAETANO: Yes, I do.

MR. PETRO: Is it good?

MR. GAETANO: Lester Clark signed it, sir, make your own judgment.

MR. PETRO: I'm just kidding around with you. For one year extension.

MR. LANDER: So moved.

MR. BRESNAN: Second it.

ROLL CALL

MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. LANDER	AYE
MR. PETRO	AYE

SARIS MOBILE HOME PARK

MR. PETRO: Someone here to represent this? Okay, I see the court made a big impression on him, really shook him up.

MR. BABCOCK: Maybe he's running late, we'll wait towards the end of the meeting.

MR. PETRO: We'll table it for now, okay, we'll come back to it.

PUBLIC HEARING:

BENEDICT POND ESTATES II SUBDIVISION (93-2)

MR. PETRO: Someone here to represent that? This is a proposed 7 lot residential subdivision. This application involves subdivision of the existing parcels into 7 single family residential lots. This plan was previously reviewed at the 13 January, 1993 meeting--who says we don't move things along--and 12 December, 2001 planning board meetings. It's before the board tonight for a public hearing, R-3 zone, R-3 would be a permitted use, okay.

Mr. William Norton appeared before the board for this proposal.

MR. PETRO: All set?

MR. NORTON: This is a continuation of the last meeting where we have addressed the engineer's comments. Some of the changes were renumbering the lots, we showed a second sheet with doubling the scale for detail for the purposes of indicating where the easements and tax I.D. parcels would be and all the comments have been addressed.

(Whereupon, Mr. Karnavezos entered the room.)

MR. PETRO: Okay, what we'll do is do any members have anything to say or just open it up to the public and we'll come back because we have reviewed it a number of times already. January 2, 2002, 24 addressed envelopes were sent out. At this time, someone would like to speak on behalf of this application or against, please be recognized by the Chair, come forward, not the big guy in the back, looks like trouble. Would anybody like to speak? All right, let the minutes reflect no one is here to speak for or against, so motion to close the public hearing.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: I certainly earned my money with those two, didn't have to say anything. Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the Benedict Pond Estates II subdivision on Dean Hill Road. Is there any further discussion? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. LANDER	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. PETRO: At this time, I will open it up back to the board for any further comment. Mark, why don't you just take us through a couple of housekeeping notes and then we'll do motion for negative dec and we have to remind the applicant that you have to get the 911 numbering done.

MR. EDSALL: As you noted, the comment 5 regarding the lead agency, taking a negative dec seems to be the only procedural step left. Under comment 2, there's some minor corrections that need to be made, two items that require action from outside this board is completion of the reallocation agreement for sewer, might even be complete, we just need to condition final that before the plan is stamped and secondly, this project is based on a line adjustment or a sale of land that the town attorney is working on with the applicant as well so that would need to be resolved. As you said, the 911 numbers are again just something that needs to be added. Other than that, they're done.

MR. PETRO: Part of the highway approval here I have subject to land transfer completed.

MR. NORTON: Yes.

MR. PETRO: So that would be a subject to obviously, on the sewer, no cleanouts on sewer laterals for lots 1 and 2, cleanouts should be as close as practical to the house wall and at least everyone hundred feet

thereafter. I'm not going to hold that up, I'm going to assume that's an approval but you're going to have to satisfy the sewer department when you do the building. Understand what I'm saying on that?

MR. NORTON: Not really, if I can get a copy of that comment.

MR. PETRO: Well, it would come as part of your completion for the sewer when you get a permit, you're going to have to build it to their specs. He's mentioning that, to me, I'm not sure, unless he wanted it on the plan to show the cleanouts, I don't think we normally do that so we'll just let it go that you can get your sewer permit, build it to their specs, once they give you the okay, that's fine with us.

MR. NORTON: Okay.

MR. PETRO: We have highway approval or fire approval on 1/2/2002. Motion for negative dec?

MR. ARGENIO: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec under the SEQRA process for the Benedict Pond Estates II subdivision. Any further discussion? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. LANDER	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. LANDER: Can you just answer me for lot number 7, can you just outline, this is lot number 7 from Riley Road in and then down through here?

MR. NORTON: They own the title to both road beds.

MR. LANDER: So they're going to convey those over to the town, is that it?

MR. EDSALL: They're both private.

MR. LANDER: I have a note about lot number 7 having access to Birch.

MR. NORTON: That's where they're going to take the access from the end of the paved surface on Birch is going to continue as a driveway into the lot.

MR. LANDER: So Ash Street which is right here from the center line to Ash Street, they're going to convey that portion over to the town?

MR. NORTON: I didn't think they were going to convey it, Don Mirro was supposed to be talking with the town attorney in regards to the right-of-way over those two roads.

MR. LANDER: P. P. Belle, that's how he's going to get his road frontage, this lot right here?

MR. NORTON: That's how he has his road frontage, that's not something we created for this subdivision.

MR. LANDER: But you did create lot number 7.

MR. NORTON: Yes and that sheet with the detail shows the proposed driveway with the house.

MR. LANDER: I saw a note somewhere saying that.

MR. NORTON: Okay.

MR. EDSALL: Just so you know, the town sewer currently has a sewer easement up the roads they're work on, an easement that covers a water line, but I don't think there's an indication that they want to take the roads, I think they want them to remain private roads, just get the necessary utility easements.

MR. LANDER: I see Lot 7 owns both of these roads, I

know the other ones are serviced off Dean Hill
but--okay.

MR. PETRO: Any members with any comments? Mark, what
subject-to's, why don't you read it?

MR. EDSALL: Why don't you make it subject to my
comments?

MR. PETRO: Because it's basically between you and the
attorney at this point, we're pretty much out of the
loop. Motion for final approval?

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the
New Windsor Planning Board grant final approval to the
Benedict Pond Estates II subdivision on Hill Road
subject to Mark's comments of January 23, 2002. Is
there any further discussion from the board members?
If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. LANDER	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. PETRO: Thank you for coming in.

SARIS MOBILE HOME PARK

Mr. Craig Saris appeared before the board for this review.

MR. PETRO: What's the status now? I know that he's been to court and you have been there and inspected.

MR. BABCOCK: Everything as far as the inspection, Mr. Chairman, is fine, this is a copy for Mr. Saris, he's here tonight, actually, his appearance was in April so his new appearance will be April of this year.

MR. PETRO: So you'll be back in a couple months.

MR. SARIS: Yes.

MR. PETRO: Are you not being notified by us or are you disregarding being notified? Just bring me up to date.

MR. SARIS: I had a problem with the partner, we had a P.O. box in Rockland County and he was getting the mail so now the property's mine and--

MR. PETRO: You're getting the mail?

MR. SARIS: Yes and that's it.

MR. PETRO: Do you have a check for \$100 for the Town of New Windsor?

MR. SARIS: Yes.

MR. PETRO: Position for one year extension.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant one year extension to the Saris Mobile Home Park on Union Avenue. Is there any further discussion from the board members? If not, roll call.

January 23, 2002

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ROLL CALL

MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. LANDER	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. PETRO: We thank you for coming in and I guess we'll see you in two months.

MR. SARIS: Yes.

REGULAR ITEMS:

BLOOMING GROVE EQUIPMENT SITE PLAN (01-61)

Mr. Mario Salpepi appeared before the board for this proposal.

MR. PETRO: This plan proposes construction of a 7,500 square foot office building. This was previously reviewed at the 14 November, 2001 planning board meeting, property is in an NC zone, permitted use, I think we had asked the applicant to do few items, he will bring us up to date.

MR. SALPEPI: I'm Mario from Anthony's office.

MR. PETRO: Did he have some trouble with Myra's office? He wasn't getting information, he was irritated and upset, I would rather he was here.

MR. BABCOCK: Mr. Chairman, I will have a talk with Mr. Cappola myself, I was out of town today so I didn't have an opportunity to talk to him but I'll handle that.

MR. PETRO: Just relay she has the right to be sick the same as everybody else. She's not here, she can't do it. He can call me, if he wants to get loud with me, he can do that. I make the agenda. All right?

MR. SALPEPI: He was here in November, he had a pretty schematic site plan at that point. Since then, we have fully developed a site plan. We have added in all necessary items. We have gone to two or three workshops and gotten to where we are now. We filled in the bulk table which I don't believe was filled in before. I think everything conforms to zoning, the proposed building is 7,567 square feet, that will require 51 parking spaces for office building. The location of the building hasn't changed, the size I believe last time might have been 7,500, it might of rounded up in some adjustments. We proposed to grade the site from west to east, I guess, is that west to east, I lost my arrow, yeah, it's a pretty flat site, so we're heading everything out towards the side there

on Oakwood. We have worked on the drainage couple of times, we had deep tests done, the soils were good for perc and we have gone through a couple of schemes on how to detail the water and how to leach it into the ground. What we have, our final decision working with Mr. Edsall was four chambers, there's a detail of the chambers on this sheet and those chambers will hold all the water required for a 25 year storm from all the paved areas and between those chambers and the piping which will be perforated with gravel go far beyond the total for the 25 year storm in gallons, we're draining more than we need to. Previously, we had, I believe, we have had a line of pines or arborvitae along the residential property line. At some point, it became a wood fence which is detailed on SP2. We have landscaped around the site, a little variety of landscaping, and we have used residential type post and lantern type lights rather than cutoffs. We have put five of them around the perimeter and then handled the rest of the lighting with some wall packs on the building.

MR. PETRO: We have fire approval on 1/22/02. The highway has, the highway department has tabled it. It says we will not make a final decision until drainage study is complete, which is understandable. The west entrance should be moved further south to a line with the south property line. Mark, what's he talking about there?

MR. EDSALL: Henry called me today. If you look on the left side of the site, he'd rather have that curb cut moved away from the corner, so I think he'd rather have the line up with the back aisle, double aisle.

MR. PETRO: I don't see that he as a problem. Do you see that as an engineering problem?

MR. SALPEPI: No, I don't think it's a problem.

MR. LANDER: Mario, underground storm drainage piping if required?

MR. SALPEPI: Right.

MR. LANDER: It was this board's pleasure that it be required.

MR. SALPEPI: Right, there was an issue whether we were gonna perc all the water into the ground or connect to the catch basin down the road.

MR. LANDER: No, I don't think there was much discussion, I think the planning board thought in its opinion that that, that they wanted, that water taken from this site you can have those seepage pits if you wanted it, but you have to pipe out of here and take it down the road to the Town of New Windsor storm drains.

MR. SALPEPI: I'm sorry, if we have the seepage pits, what are we connected to, overflow or would that be for overflow, for instance?

MR. PETRO: For overflow, but they also, the seepage pits are full with sediment and sand and salt and whatever from the next five years and nobody ever cleans them out, at least you'll have that working for you.

MR. SALPEPI: You're saying you want underground piping, not, let's say, an overflow that runs on the surface, is that what you're saying?

MR. PETRO: Right.

MR. EDSALL: Mr. Chairman, I think the highway superintendent is looking into that because the road was just paved, he's not quite sure he wants that run down there so that's one of the things that he may object to, it's his opinion that if there's a way not to tear up the brand new paved road, he'd rather just deal with it on site.

MR. PETRO: He can't run it down on the shoulder?

MR. EDSALL: That's the other thing I've advised, there's a possibility of running where there's a stone wall along the right side of Oakwood, so he's asked us to look into it further and get him some information but that's really--

MR. PETRO: You know how I feel about the seepage pits.

MR. EDSALL: I understand fully.

MR. SALPEPI: They don't work?

MR. PETRO: After a period of time.

MR. LANDER: They stop working, they fill up with sediment and they don't drain.

MR. PETRO: You don't think somebody that's there as a tenant is going to go out there and clean them, do you?

MR. SALPEPI: Probably not. We're up to 10,700 gallons and it only needed to be 7,000 and change so we're even taking more than we need, so it might work a little longer.

MR. PETRO: I'm sure your design is perfect and there's nothing wrong with it. Sometimes in designing something and in reality are probably two different things. Try to work that out with the highway department, if you can find a location, if he's dead set against it, then we'll look at it again but at this time, we still figure it's required. All right?

MR. SALPEPI: Yes.

MR. LANDER: What's the width of the sidewalk around the building? I didn't see it in the detail.

MR. SALPEPI: Should be five feet, yeah, it's five feet.

MR. PETRO: Mark, do you have anything really paramount that you want to talk about tonight?

MR. EDSALL: Comments 3 and 4 for tonight.

MR. PETRO: Four is motion to have a public hearing.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board schedule a public hearing for the Oakwood Terrace building site plan. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. LANDER	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. EDSALL: You can probably hold comment 3 until after the public hearing, if that's your preference.

MR. PETRO: Right, you have a copy of Mark's comments, Mario?

MR. SALPEPI: Yes.

MR. PETRO: Why don't you take that, get together with Mr. Kroll again, get that drainage line situated in a spot that makes him happy, I'm sure the town owns the road, probably only paved 25 feet, they probably own 50 so there should be a way to get down there.

MR. SALPEPI: I'll have to check.

MR. PETRO: Thank you.

HIGHVIEW ESTATES SUBDIVISION (01-64)

Mr. Dan Yanosh appeared before the board for this proposal.

MR. PETRO: Proposed six lot residential subdivision. This application proposes subdivision of 21.2 acre parcel into six single family residential lots. The plan was previously reviewed at the 12 December, 2001 planning board meeting. It's in an R-1 zone, which is permitted use, the lots have been revised to meet new bulk requirements of the 80,000 square feet and Danny's got, Mark has quite a few comments, but nothing that's outrageous. We have fire approval is approved but please contact fire inspector for proposed street name and again, the highway is tabled, no approval until drainage plan is submitted, lots 3 and 4, the entrances should be moved closer together to aid in snow plowing, let's look at that, where are they?

MR. YANOSH: Do you have a list of those or--

MR. PETRO: Lots 3 and 4 should be moved closer together to aid in snow plowing. And your cross-section is disapproved, use figure 3, standard rural road and curbs so contact Henry Kroll.

MR. YANOSH: Curbs on this one?

MR. PETRO: Disapproved, use figure 3 standard rural road and curbs.

MR. ARGENIO: Require a sidewalk, too, do we not, Mark?

MR. EDSALL: That one I would assume they'll get a waiver on for this location but technically, they have to ask.

MR. YANOSH: I ask here or Town Board?

MR. EDSALL: I have to check, I believe it's Town Board by letter, just a letter to them or the highway superintendent maybe will handle that for you.

MR. PETRO: Okay, why don't you bring us up to date?

MR. YANOSH: I took care of Mark's comments with the lot frontage and the widths on the roads from the previous submittal. I did show proposed grading for the driveway, make sure they're ten percent or less, we have added on sheet number 3 a larger scale of the proposed cut for the road to show a two on one slope which is according to the town codes for the road specifications. I guess there are a few things that Mark has picked up, the drainage I need a full drainage report, is that what you're looking for?

MR. EDSALL: I don't know that that's it, I believe when I talked to Henry, I believe after he made his comments, I told him my only concern was that you take the storm drainage up to the cul-de-sac and I was interested in how the water would be conveyed and the easement on the opposite side of the road, I might be able to show that to Henry and he might find that adequate.

MR. PETRO: Motion for lead agency.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Highview Estates subdivision. Is there any further discussion? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. LANDER	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. PETRO: Again, we're going to schedule a public hearing, you can attend to the comments that Mark has, talk to Mr. Kroll in the meantime and we'll move forward there.

MR. ARGENIO: Can I add one thing before we leave this? Mark has a note that we're looking for 50 scale, note number 2 letter F and I firmly agree with that. I also think it would be a good idea to continue the contours showing where the contours are on lots A, B and C because these people, if you remember, have a problem with their septic and they have a problem with runoff and problem with the original construction of the homes they have a list of problems and I'd like to see where the water goes.

MR. PETRO: Do you have a topo available?

MR. YANOSH: These, A, B and C.

MR. ARGENIO: Should be available.

MR. YANOSH: I have the original, I don't know what it is final, I have the original.

MR. ARGENIO: Can you overlay that?

MR. YANOSH: Yeah, I can put the original on, I can do that.

MR. ARGENIO: Not asking surveyed but--

MR. YANOSH: What's here today versus what was proposed, I can try to, I do have as-builts of the buildings and the driveways and I can try to show again probably a layer in the computer, the old stuff.

MR. ARGENIO: That's what I'm asking.

MR. BABCOCK: Mr. Chairman, also today when we had our conversations about the agenda items, I misspoke about this project. I thought this was a, the project up the street, so this is the one project across the street where they were cleaning up. I know I went through there yesterday, they do have a loader there with a dumpster which they're cleaning up the stumps, taking that stuff away.

MR. LANDER: How long ago had we advised them to get that cleaned up, do you remember?

MR. YANOSH: When we first started.

MR. BABCOCK: When we first started the project, the people came in and it might have been the subdivision across the street.

MR. EDSALL: It was the subdivision on the opposite side.

MR. YANOSH: That was one of the conditions of the one across the street.

MR. PETRO: The one that we tabled the public hearing on?

MR. BABCOCK: Right.

MR. LANDER: So my question still stands, how long did it take to get it cleaned up?

MR. BABCOCK: I'm not sure of how long it was.

MR. LANDER: A year, year and a half?

MR. BABCOCK: I know yesterday there was a machine there with a dumpster, they were loaded up.

MR. YANOSH: Took most of the garbage away, some of the stumps away, now they're going to take the material so they're cleaning it up. The DEC I guess they're looking at the, we got a permit to cross the wetlands through there and I think the DEC's going to sign off on that pretty soon, do a restoration on that, we're in contact with the DEC all the time on this one, too.

MR. PETRO: Motion to have a public hearing?

MR. ARGENIO: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board have a public hearing for the Highview Estates subdivision.

January 23, 2002

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ROLL CALL

MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. LANDER	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. PETRO: You can schedule with Myra. Thank you.

FOX MEADOW ESTATES SUBDIVISION (01-51)

Mr. David Higgins appeared before the board for this proposal.

MR. PETRO: Proposed residential subdivision. This application proposes subdivision of 82.4 acre parcel into 32 single family residential lots.

MR. EDSALL: The number, Mr. Chairman, is wrong, I apologize, the lot count has gone down, it's 23.

MR. PETRO: Plan was previously reviewed at the 8 August, 2001 and 14 November planning board meetings. This is the one with the horse farm?

MR. HIGGINS: Yes.

MR. PETRO: It's R-1 zone, it's a permitted use, now you're grandfathered in under the old zoning so that's what we're doing here, correct, some of the lots I know are larger but--

MR. HIGGINS: We did have a note on the plan that we said listing the zoning regulations at the time when the initial application was made, I don't know if the note needs to be reworded that it's grandfathered or if that's sufficient.

MR. LANDER: What number would that be on your notes?

MR. EDSALL: It's underneath the bulk table.

MR. PETRO: That's fine, okay, what's changed and what are we doing here?

MR. HIGGINS: Well, at the last planning board meeting that we were at, we had talked about the initial application had two proposed roadways come off Toleman Road and because of the results that we had with the soil testing over behind the farm and also on lot 25, we didn't find that many areas of good soil, so we dropped that road location. We had talked about providing an emergency access roadway off of Toleman Road to come up and I believe the board had requested

it to come between lots 18, 19 or 20, we took a look at feasibility of putting emergency access lane which is the grass path to get up to the road and didn't think that it was really feasible. The reason for that being that it would be grass, it would be steep and it wouldn't be maintained, so we didn't think that that was a viable alternative. I met with the town engineer and town highway superintendent at a work session last week and discussed what we would do and we had proposed a boulevard for the entranceway, but the town highway superintendent had indicated that he would prefer to just have a 30 foot wide road as opposed to the boulevard with a median between it that would need to be maintained. So based on than meeting, we revised the road only in the sense that the verticals and the alignments and the steepness of the road were revised so we had reduced slopes. We didn't have a ten percent slope coming down at the entrance, we revised that to 9 percent and reduced the amount of grading required to get the road in, so the plan that you have shows the grading that would be required to put the road in and it's less than what the previous applications were.

MR. PETRO: Mark, the storm water detention basins to be offered for dedication to the Town of New Windsor we're taking those, amending them?

MR. EDSALL: That would be in line with the town's adopted policy on storm water management that would create a storm water improvement district here and those basins would be taken as dedications to the town, that's the policy that the, to be adopted.

MR. PETRO: Where is the outflow of those basins going?

MR. HIGGINS: Actually, I will, I brought two copies of the plans, I made some revisions today, I apologize not having them in time, but basically just made available today, but the plan I'm looking at and I brought one of each, what it shows is some information that we have gotten since this subdivision that we made to the town, it shows among other things the wetland locations that we had delineated by Robert Torgeson and these are federal jurisdictional wetlands, we'll have to get a jurisdictional determination from the Army Corps prior

to final approval. But one of the things it shows you can see this pipe, it's not labeled, but it's just to the left of the lands of Durbinski (phonetic), which is to the right of lot 1, there's a 48 inch reinforced concrete pipe there that crosses under, there's a road that comes off Toleman here.

MR. EDSALL: Do you remember the Blooming Grove Operating Company subdivision that has a large diameter culvert near the bottom of the road? That's the adjoining property.

MR. PETRO: Crosses there and goes where?

MR. BABCOCK: That's Lisa Lane.

MR. HIGGINS: Yes, that sounds familiar, it crosses under Lisa Lane and opens to a large gully, I believe kind of flows straight down passed lands of Durbinski, it's probably the rear yard of Durbinski, it's a very large gully.

MR. PETRO: I suggest that you do a little downstream investigation because when you have a public hearing for this application, you're going to have people in here and they're going to want to know and we're going to have to answer them, so might as well do it now.

MR. HIGGINS: The town's regulations with regards to storm water itself?

MR. EDSALL: Zero net increase so you'll be, unless you can demonstrate that down stream has adequate capacity and no need to attenuate the flow, you'll be holding back the peak.

MR. HIGGINS: One of the other things that I would point out if you notice the location of the wetlands on the plans, we still have room for the storm water management basin on the right here, on the left, however, is where the wetlands are. So we may lose that basin so what we're go to try to do is have our first flush in our detention on this one side and we need more, we will split off the flow and put a parcel maybe back here, but we haven't done the analysis.

MR. PETRO: It's not all going there, that whole site we have some going in the opposite direction over here?

MR. HIGGINS: All the road flow is going to come down here.

MR. PETRO: When you cross the cable utility easement, have you contacted AT&T?

MR. HIGGINS: No, we haven't.

MR. PETRO: Do you need permission to do it? You're crossing it with the road, Andy, should they contact AT&T to cross the easement, they're crossing it with a road?

MR. KRIEGER: Yes.

MR. PETRO: So we'd need a letter from them. Also, when you're creating lot number 21 number 22, going up the lane, I think I mentioned this last time, looks like there's probably a stretch of a corral or fence or something you may be creating a zoning problem there. Mike, do you see lots 21 in the rear and 20? He's right on the fence, right on top of it, basically.

MR. HIGGINS: You wanted ten foot off there? I apologize for that.

MR. PETRO: Also the name of the lane, you have to pick a different name because the highway or the fire inspector here, which one is telling me it's already in use, the fire, street name Palomino conflicts with the name in use already in the town, that will need to be changed.

MR. HIGGINS: Palomino does?

MR. PETRO: Yes.

MR. HIGGINS: We changed that to Trotter, don't know if that's acceptable.

MR. PETRO: Why is he reading that?

MR. EDSALL: Previous plan showed Palomino.

MR. PETRO: Sounds like everybody is right up to date, okay, Mark, what else do you have?

MR. EDSALL: It's real preliminary at this time, Dave is correct that we met with Henry and they have made some changes as per our request, so I think at this point, Dave is looking for some input from the board so they can proceed with the more detailed drawings, so if you, I guess if you have no objection to the conceptual layout, they can move forward.

MR. PETRO: The frontage, did we do anything with that with the zoning laws?

MR. EDSALL: No.

MR. PETRO: Do you have anything else to ask us?

MR. HIGGINS: As Mark said, what we're looking for, we'd like to go forward with further engineering plans, what I wanted to do is hopefully nail down the road location so that we can comfortably do the septic designs and the grading plan knowing that the road location is okay.

MR. PETRO: I, personally, I like this application from the start because of the size of your lots, you had made larger lots even before you were required to which is, which I think we all liked and appreciated, so I have no objection at all to the layout. I think making the topo work you have to do that with the engineer, your perc tests I don't have any clue, you have to get that done.

MR. HIGGINS: We have done preliminary soil testing for every one of the lots.

MR. PETRO: Need to find out about the downstream because that's going to be an important issue tonight at the public hearing, if you're not going, if you have a net zero increase, we understand that the person living down the road is not going to understand it,

wants to know why your water is going in their back yard. So come up with a couple answers, I guess, gentlemen, anything else at this time?

MR. LANDER: The driveway for lot 24, are we going to use that driveway that's existing on lot 25?

MR. HIGGINS: No, I think what we'd do is the driveway would probably cross the wetlands which we'd need a permit for, but would come across its own property onto Toleman Road.

MR. LANDER: Okay, so we'll have to show that because I think before we had said we were going to look into an easement to use the same driveway but now you're going to, you're crossing the wetlands with that driveway.

MR. HIGGINS: That's what we'd like to do is have driveways for each particular, because this one will be a farm and this could be single family residential home.

MR. PETRO: If you look at lot number 16 maybe 17 your driveway locations may or may not be a problem for sight distance on that tight radius, so again, that's going to be the highway department is going to tell you that, but I'd look at that while you're doing your layout.

MR. ARGENIO: Is that a cut coming up the road, the numbers are small, coming up around the curve bending back to the right, is that all through a cut there?

MR. HIGGINS: Up here?

MR. ARGENIO: Yes.

MR. HIGGINS: It's a fill on this side, on the left-hand side.

MR. ARGENIO: Continue up the road with your pen, what's that?

MR. HIGGINS: That's a cut. What we're looking to do is cut the knoll down and get the houses slightly

higher than the road as opposed to the houses up there being lower than the road.

MR. EDSALL: One of the things that we worked, Henry and I, with the applicant on is one of the scenarios of the development resulted in a fairly significant cut on the right side of the road as you were coming up the hill and we wanted to end up with more of a balance situation where we didn't have such a steep cut, so they raised or modified the location of the road and the cut and fill configuration such that we got more of a balance.

MR. PETRO: Anything else, gentlemen?

MR. ARGENIO: No.

MR. PETRO: Thank you.

DISCUSSION:

HANNAFORD FOOD & DRUG STORE (00-15)

MR. PETRO: Someone here to represent this?

Mr. John Capella and Ms. Melinda Shane appeared before the board for this discussion item.

MR. CAPELLA: I'm John Capella with Jacobowitz and Gubits, I'm pitch hitting for Larry Wolinsky and I have Melinda Shane with me from Hannaford. My understanding tonight is that we have a comment letter from your consultant and we have also received a comment letter from DOT. What we'd like to do is arrange a meeting with the consultant and any representative from the board to go through these comments, discuss and clarify them, also receive any comments your board might have tonight so we can move forward towards the completion of the final environmental impact statement.

MR. EDSALL: As John indicated, the application is before you procedurally under SEQRA tonight and the next step in the procedure is to determine if the FEIS is complete and acceptable for circulation. Under comment 2, I provided some input in that regard, I reviewed the document relative to all the correspondence that I was aware of and as well to the public hearing minutes and it's my belief that the applicant has responded to all of the comments. Now, I'm not saying if we agree or disagree with the answers, I believe they have identified all the comments and they have responded from a completeness standpoint. Some additional items which lead to the recommendation that they make some revisions is the fact as John indicated we have received a letter dated January 22 from the New York State DOT and it would be appropriate in my opinion and I spoke with Larry Wolinsky that that be included into the FEIS and they can incorporate some responses to the comments made by Mr. Meyer. Last but not least, comment 3 I have listed some suggested revisions to several of the responses and in one case, a typo for one of the comments, the gist of most of the recommended revisions is the belief that the FEIS responses should be provided as responses

or identification of the, what the studies submitted have indicated, rather than conclusions, conclusions should be included in the findings and I'm looking to have this document be less of a conclusion than rather it should be responses and identification information. So I have noted several corrections that I believe that should be made. Larry Wolinsky contacted me today and we agreed that it would be very appropriate to get together to discuss these revisions once they have had a chance to look at them. Tentatively, I believe we set something up for next Wednesday and we were going to see if the Chairman or some of the board members, one or two could attend, if possible.

MR. LANDER: Wednesday, what time, Mark?

MR. EDSALL: We haven't set a time, we're waiting to see if that was acceptable and if anyone was available.

MR. PETRO: What Wednesday is this?

MR. EDSALL: Next Wednesday, probably in the early afternoon in the morning, we have a meeting with the town attorney on some zoning issues, probably 2 o'clock or something of that sort.

MR. LANDER: Contact us with the time.

MR. EDSALL: Two o'clock unless we hear otherwise.

MR. PETRO: Here?

MR. EDSALL: We can have it here or in the Supervisor's side office.

MS. MASON: Don't you have that thing with Crotty?

MR. BABCOCK: It's in the morning.

MR. EDSALL: So 2 o'clock on the 30th. Again, we're looking to have one or two board members, if possible, as representatives so we don't constitute a meeting and the applicant should have an opportunity to review all the comments then.

MR. PETRO: Mark, did you touch on the comments where they're giving us the findings and we feel that we should be making our own findings, how did you word that?

MR. EDSALL: What I have done is I have, and again, I discussed this with Larry Wolinsky, I didn't care to change the intent of the response, but more identify the response and where in a study they may have identified the impacts or how the impacts are proposed to be mitigated, but not necessarily include the final determination of the conclusion that would be normally included in the SEQRA findings. So again, I have proposed some revisions, I'm sure they'll have an opportunity to look at them, if they agree or disagree, we can work it out next week and propose something new to the board.

MR. PETRO: Okay, John, I have been talking with Melinda Shane a few times and maybe Larry once or twice about the DOT, that's always been pretty much our holdup is not so much the site plan itself, but the impact of the traffic and we have been trying to get a response from DOT as to an approval or disapproval, very simply put that way, none of these fancy letters and we have to decipher what they're trying to say. And January 22, 2002, we received another letter from Mr. Dennis in DOT and again, it's very well written, he's done a wonderful job. The bottom line of this letter, as far as I can see, is that the conditions will only degenerate and this is a quote but the applicant isn't causing the problem and that's the way I see this letter. And again, he says patrol overland uses remains with the town along with the responsibility determined if the mitigation measures proposed are satisfactory. So, I guess the ball is back in our court and I want to review this again, I want to talk to some Town Board members, the board members here, our engineer and the town attorney and see exactly which way to go from this. I just frankly I'm at a loss myself which is the best course of action so I'm going to look to get some input from other people.

MR. EDSALL: Mr. Chairman, as you may recall, we

retained because of the complexity of this issue and the sensitivity of all the general public, we did retain John Collins Engineers, Phil Grealy as a special traffic consultant, so he is aware of this letter and obviously, we can proceed even if we don't reach a conclusion on the impacts and how they're mitigated, we could proceed with the determining it complete and between that point and the time you have to reach findings, we'll have to pin down Mr. Grealy and try to decipher where it stands and whether or not in fact the impacts are really mitigated. I think that's our goal between determining it complete and preparing our findings.

MR. PETRO: Okay, any other comments from the board members? John, do you have anything else you want to say?

MR. CAPELLA: No, although I'd be more than happy to give my input onto what the solution should be.

MR. PETRO: But I think that can wait till Wednesday. We look forward to working this out.

MS. SHANE: I just wanted to make sure that the board got a copy of the FEIS, I wasn't sure what the timing was, and if you had a chance to look at it because any input from you as soon as possible so we can incorporate it, that's all we want. I do plan on being in that meeting next week so whatever time I can be here.

MR. PETRO: Okay, I guess that's all we're going to do tonight.

MR. CAPELLA: Thanks very much.

ALL FAMILY TAXI

MR. LANDER: I do have one thing, All Family Taxi, everybody knows where they are, they're on Union Avenue just down the street, Clinton's old property, he wants to get a car license and sell cars there, which is not allowed in that zone, so I told him.

MR. BRESNAN: It's going to turn into a car lot.

MR. LANDER: New Windsor is a car lot already, but I told him I would come and see how favorably or not favorably this board felt, it's still an issue for the zoning board because it's not allowed in that zone.

MR. PETRO: He needs a use variance.

MR. LANDER: Which--

MR. PETRO: Never going to get it, there's been only one since I have been on the board in 11 years.

MR. LANDER: What I told him was you can go make application, the building department will send you to the zoning board and if you do get that variance, then you can come to the planning board so--

MR. BABCOCK: What we have done in the past somebody that needs a use variance which is very difficult, if not impossible to get is send them to the zoning board on my behalf and if they're successful, then they can develop a site plan and come to the board. Ron, what happens is they develop a site plan and go through some costly--

MR. PETRO: We can still have them come here first because we give a positive or negative recommendation to the zoning board.

MR. BABCOCK: That would be fine.

MR. PETRO: Do that first, they don't need a site plan but come here with the idea.

MR. BABCOCK: Probably they should have a sketch

because ultimately, you guys can still say no, even if they get the variance.

MR. LANDER: They'll probably use the same sketch as the one that they get approval for before.

MR. BABCOCK: Mark it up themselves, so the board members can see what they want to do.

MR. PETRO: The man is absolutely in the wrong zone, it's a miracle he got what he has there and to go further with the used car lot on Union Avenue across from Park Hill, I mean, we've got to be out of our minds. I don't care if that's in the minutes, but I'd say absolutely no to save us time and money. That's my opinion.

MR. BRESNAN: I second it.

MR. ARGENIO: I agree completely.

MR. PETRO: So there's a poll of the board.

MR. LANDER: I already told him that it was beyond him, he can roll the dice and go to the zoning board to see the building inspector, he will send him there if he gets a variance.

MR. PETRO: Still come here first for a recommendation.

MR. LANDER: You want him to come here under discussion?

MR. PETRO: Won't cost him a dime. I'm going to tell him the same thing I just said and it's going to be a negative recommendation to the zoning board. Well, we have three that made comments, so I don't know how Ron and Tom feels, but a car lot on Union Avenue? Motion to adjourn.

MR. ARGENIO: Motion to adjourn.

MR. BRESNAN: Second it.

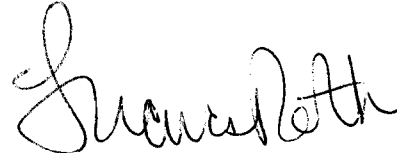
ROLL CALL

January 23, 2002

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MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. LANDER	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

Respectfully Submitted By:

A handwritten signature in cursive script, appearing to read "Frances Roth".

Frances Roth
Stenographer

1/28/02